

IN THE EIGHTH CIRCUIT COURT OF APPEALS

UNITED STATES OF AMERICA

APPELLEE

v.

APPEAL NO. 23-2396

MARCUS MILLSAP

APPELLANT

MOTION TO FILE OVERLENGTH INITIAL BRIEF

COMES NOW the Appellant Marcus Millsap by and through his counsel Michael Kiel Kaiser, and for his motion for to file overlength brief, states:

1. Millsap's corrected brief is due to be filed on October 30, 2023.
2. Millsap has tendered an overlength initial brief contemporaneously with this motion.
3. Millsap respectfully requests that this Court excuse the requirement of Local Rule 28A(l) and permit him to file an overlength brief despite filing this motion less than seven days prior to the brief's due date.
4. Millsap's jury trial lasted from September 7-24, 2021, and the appellate record is over 2,500 pages in length.
5. Millsap has raised 12 distinct issues in his initial brief.
6. Millsap's initial brief filed contemporaneously with this motion contains 84 pages, 15,563 words, and 1,474 lines, and is thus overlength pursuant to Fed. R. App. P. 32(a)(7).

7. Given the size of the appellate record and the number of issues at play in this appeal, Millsap respectfully request that this Court permit him to file an overlength brief.

WHEREFORE Appellant respectfully requests that this Court permit him to file an overlength brief and accept the overlength initial brief that was filed contemporaneously with this motion for filing.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 29, 2023, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Michael Kiel Kaiser
Michael Kiel Kaiser
Ark. Bar No. 2015001

**Certificate of Compliance With Type-Volume Limit,
Typeface Requirements, and Type-Style Requirements**

1. This document complies with the type-volume and word limits of Fed. R. App. P. 32(c)(1) and 27(d)(2)(A) because this document contains 414 words.
2. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman font.

Michael Kiel Kaiser

Michael Kiel Kaiser

Ark. Bar. No. 2015001

Attorney for Appellant Marcus Millsap

Dated October 29, 2023